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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,543	03/27/2006	Danut Bogdan	2003P13768	7334
24131 7590 09/21/2007 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER CRUZ, LESLIE PILAR	
			ART UNIT 2826	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,543	<b>Applicant(s)</b> BOGDAN ET AL.	
	<b>Examiner</b> Leslie P. Cruz	<b>Art Unit</b> 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 15 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
**Minhloan Tran**  
**Primary Examiner**  
**Art Unit 2826**

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 August 2007 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-11, 14-15, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Takachi (US 2003/0137595 A1).

With respect to claim 10, Takachi (Figs. 1-3) discloses an optical module, comprising: a circuit carrier [1]; a semiconductor element [4] disposed in a housing [3] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support [19] formed thereon; and a lens unit [10, 13] configured for projecting electromagnetic radiation onto the semiconductor element, the lens unit including a base lens [13]; wherein the

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semiconductor element and the lens unit are formed in two parts, and the base lens is supported on and indirect contact with the support formed on the housing of the semiconductor element [paragraph 0022].

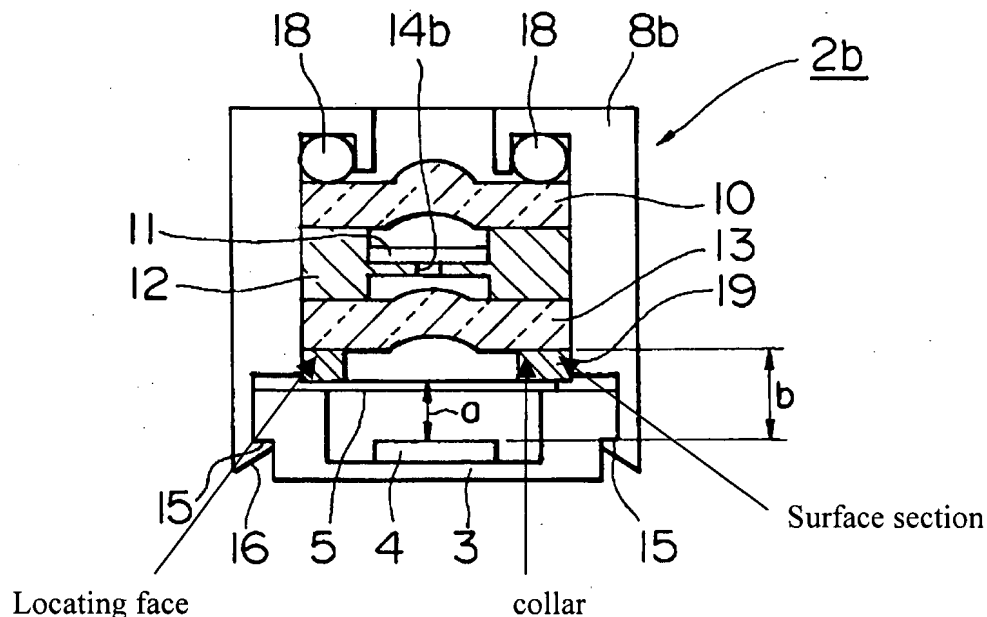
With respect to claim 11, Takachi discloses the optical module according to claim 10.

Figs. 1 and 2 of Takachi further discloses the support is formed to be substantially tilt-free

With respect to claim 14, Takachi discloses the optical module according to claim 10.

Figs. 1 and 2 of Takachi further discloses the base lens includes a surface section [see figure below] formed to correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

## FIG. 2



With respect to claim 15, Takachi discloses the optical module according to claim 10.

Figs. 1 and 2 of Takachi further discloses the base lens has a collar [see figure above], at least in

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sections thereof, formed to correspond substantially to a locating face [see figure above] on the support.

With respect to claim 19, Takachi discloses the optical module according to claim 10. Figs. 1 and 2 of Takachi further discloses the support is formed with a locating face [see figure above], at least in sections thereof.

With respect to claim 22, Takachi discloses the optical module according to claim 10. Fig. 4 of Takachi further discloses an optical system [camera] comprising the optical module according to claim 10 [paragraph 0039].

Claims 10-11, 14-15 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 2004/0109079 A1), hereinafter Fujimoto.

With respect to claim 10, Fujimoto (Figs. 1, 4) discloses an optical module comprising: a circuit carrier [2]; a semiconductor element [3] disposed in a housing [4] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support [6] formed thereon; and a lens unit [A, B] configured for projecting electromagnetic radiation onto the semiconductor element, said lens including a base lens [B]; wherein the semiconductor element and the lens unit are formed in two parts, and the base lens is supported on and indirect contact with the support formed on the housing of the semiconductor element.

With respect to claim 11, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto discloses the support is formed to be substantially tilt-free.

With respect to claim 14, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto discloses the base lens includes a surface section [B2] formed to

correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

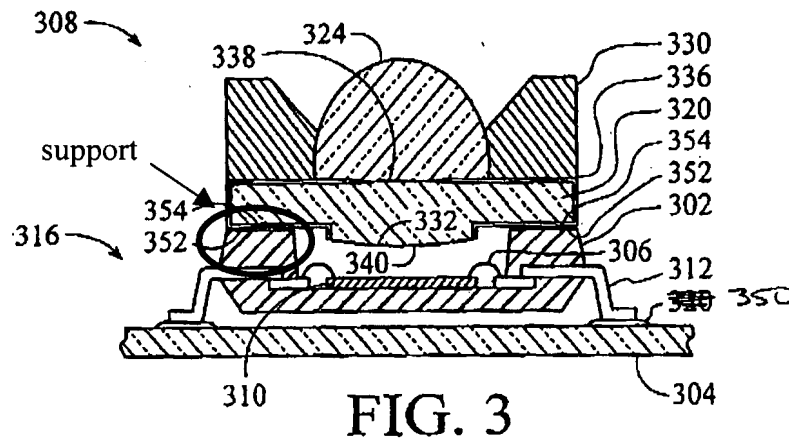
With respect to claim 15, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto further discloses the base lens has a collar [B2], at least in sections thereof, formed to correspond substantially to a locating face [top of 6] formed on the support.

With respect to claim 22, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto further discloses an optical system comprising the optical module according to claim 10 [abstract].

12, 19

Claims 10<sup>12, 19</sup> and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (US 6,683,298 B1072803), hereinafter Hunter.

With respect to claim 10, Hunter (Figs. 3-5) discloses an optical module comprising: a circuit carrier [304]; a semiconductor element [310] disposed in a housing [302] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support [see figure below] formed thereon; and a lens unit [320, 324] configured for projecting electromagnetic radiation onto the semiconductor element, said lens including a base lens [320]; wherein the semiconductor element and the lens unit are formed in two parts, and the base lens is supported on and indirect contact with the support formed on the housing of the semiconductor element.



With respect to claim 12, Hunter discloses the optical module according to claim 10.  
Hunter (Figs. 3, 5) further discloses the support is a ring collar.

With respect to claim 19, Hunter discloses the optical module according to claim 10.  
Hunter (Figs. 3, 5) further discloses the support is formed with a locating face [top portion of support, see figure above], at least in sections thereof.

With respect to claim 20, Hunter discloses the optical module according to claim 19.  
Hunter (Figs. 3, 5) further discloses the locating face [top portion of support, see figure above] of the support is formed with a taper from the semiconductor element in a direction of an optical axis of the optical module.

With respect to claim 21, Hunter discloses the optical module according to claim 20.  
Hunter (Figs. 3, 5) further discloses the taper is conical.

***Allowable Subject Matter***

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Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record taken either singly or in combination fails to anticipate or fairly suggest the limitations which the Applicant claims in claim 16 in a manner which would warrant a rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103.

There was no prior art found by the examiner that suggested modification or combination with the cited prior art so as to satisfy the combination of the present dependent claim 16; especially, the prior art does not provide a lens holder supported by the circuit carrier substantially without being supported by the housing, as recited in claim 16, in combination with a base lens that is supported on and in direct contact with the support formed on the housing of the semiconductor element as recited in claim 10.

### ***Response to Arguments***

Applicant's arguments filed 05 July 2007 have been fully considered but they are not persuasive. Applicants argue on page 6 lines 9-13 <sup>that</sup> the reference numeral 4 of Fujimoto is a frame interposed between the holder 1 and the substrate 2, the semiconductor element 3 and the frame 4 are not one single electronic component and therefore, the frame 4 is not the housing of a semiconductor element. However, paragraphs 0028 and 0035 of Fujimoto discloses the reference numeral 4 may be in the form of a housing made of thermoplastic resin. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is



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noted that the features upon which applicant relies (i.e., one single electronic component) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants argue on page 6 lines 16-21 that reference numeral 1 of Fujimoto is not a lens. The Examiner concedes with this argument and the rejection has been withdrawn. Applicants further argues Fujimoto does not satisfy the claim 10 requirement that a base lens be supported on and in direct contact with (a support formed thereon) the housing of a semiconductor element. However, Figs. 1 and 4 of Fujimoto discloses a base lens [B] be supported on and in direct contact with a support [6] formed on the housing [4] of a semiconductor element [3]. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that a base lens be supported on and in direct contact with the housing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, upon further consideration, a new ground(s) of rejection is made in view of Fujimoto.

#### ***Telephone/Fax Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie P. Cruz whose telephone number is 571-272-8599. The examiner can normally be reached on Monday-Friday 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Sue A. Purvis can be reached on 571-272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
lpc

Leslie Pilar Cruz  
Examiner  
Art Unit 2826